



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, सोमवार, 26 फरवरी, 1962/7 फाल्गुन, 1883

HIMACHAL PRADESH ADMINISTRATION

ELECTION DEPARTMENT

NOTIFICATION

Simla-4, the 29th December, 1961

No. El. 8-30/58.—In exercise of the powers delegated by the President under the proviso to the Article 309 of the Constitution, *vide* Government of India, Ministry of Home Affairs, Notification No. F. 27/59-Him (i), dated the 13th July, 1959, the Lieutenant Governor, Himachal Pradesh, is pleased to make the following rules in respect of Himachal Pradesh Election Department Class III Service, in regard to the following matters; namely:—

- (i) the method of recruitment to the Himachal Pradesh Election Department Class III Service;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation and promotion.

PART I—GENERAL RULES

1. *Short title.*—(a) These Rules may be called the Himachal Pradesh Election Department Class III Service (Recruitment, Promotion and certain Conditions of Service) Rules, 1961.

(b) They shall come into force with effect from the date of issue of this Notification.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context :—

- (a) “Chief Electoral Officer” means the Chief Electoral Officer, Himachal Pradesh.
- (b) “Department” means the Election Department of Himachal Pradesh Administration.
- (c) “Service” means the Himachal Pradesh Election Department Class III Service.
- (d) “Post” means a post in the Service shown in the Appendix.
- (e) “Direct recruitment” means an appointment made otherwise than by promotion of a member of the service or transfer of an official already in the service of the Central Government or of a Union Territory or of a State Government.
- (f) “Recognised University” means any University incorporated by law in the Indian Union or any other University which may be declared to be a recognised University for the purpose of these rules, by the Himachal Pradesh Administration.
- (g) “Scheduled Caste” means the Castes, Races or Tribes or parts or groups within Castes, Races or Tribes specified in the Constitution (Scheduled Castes) (Union Territories) Order, 1951, as amended by Part V of Schedule II read with sub-section (2) of section 3 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).
- (h) “Scheduled Tribes” means the Tribes or Tribal Communities or parts or groups within Tribes or Tribal Communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, as amended by Part IV of Schedule IV read with sub-section (2) of section 4 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956 (63 of 1956).

3. *Character of posts.*—The service shall consist of posts in the grades specified in the Appendix.

4. *Nationality, Eligibility and Age etc.*—A candidate for appointment to any in the service must be:—

- (l) (a) A citizen of India; and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date for making applications for appointment to a post.
- (ii) Whose father, if dead, continuously resided in Himachal Pradesh for a period not less than three years immediately preceding his death and, who has, after the death of his father continued to reside in Himachal Pradesh upto the last date fixed for making applications for appointment to a post.

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reason, shall not be deemed to constitute a break in the continuity of such residence but, for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

(iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under Rule 4 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959:

Provided further that in case the Lieutenant Governor, in any exceptional case, and for reasons to be recorded in writing relaxes the provisions of sub-rule (1) (b) of this rule, in exercise of his discretion under Rule 5 of the Himachal Pradesh, Manipur and Tripura Public Employment (Requirement as to Residence) Rules, 1959 a candidate for appointment to any post in the service must be:—

- (a) A citizen of India, or
- (b) A subject of Sikkim, or
- (c) A subject of Nepal or of a Portuguese possession in India, or
- (d) A person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if he belongs to category (c) or (d), he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d), the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

Note.—A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview and he may as provisionally be appointed subject to the necessary certificate being given to him by the Government and.

(2) (a) Unless he is already in Government service must produce:—

- (i) a certificate of good moral character from the Principal, Academic Officer of his University, or College, School or the Head of his educational or technical institution last attended;
- (ii) Certificates of good moral character from two responsible persons not being his relatives, who are well acquainted with him in private life and unconnected with his University, College, School, or other educational or technical institution;
- (iii) a medical certificate as required by Rule 10 of the Fundamental Rules and Rules 3 and 4 of the Supplementary Rules;
- (iv) An attested copy of the educational qualifications he possesses.

(b) Must not be less than 18 years and not more than 25 years of age on the date of his appointment :

Provided further that the maximum age limit as prescribed may be relaxed in pursuance of the administrative instructions given in Appendix 3 of the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Vol. II :

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Scheduled Tribes candidates, displaced persons and other special categories in accordance with the orders

issued by the Government of India from time to time.

- (c) (i) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service; and
- (ii) No woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage; shall be eligible for appointment to the service;

and a declaration in this behalf should be made by the candidate at the time of appointment to service, duly supported by an affidavit.

Provided that the Himachal Pradesh Administration may if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

- (d) Antecedents of all persons appointed by direct recruitment shall be verified immediately and the antecedents of those appointed by transfer and whose antecedents have not been verified previously, will be sent for verification immediately after joining the posts in the service.

5. Educational Qualifications.—(a) No person can be appointed to the post of a Naib-Tehsildar, Election, unless he has passed the Matriculation Examination of a recognised University and possesses at least five years experience in election work as a Clerk or Election Kanungo. The conditions of experience can, however, be waived in respect of persons belonging to Scheduled Castes or Seheduled Tribes.

(b) No person can be appointed to the post of a Senior Clerk unless he has passed the Matriculation Examination of a recognised University and possesses at least three years experience in election work as Election Clerk. The condition of experience can, however, be waived in respect of persons belonging to Scheduled Castes/Scheduled Tribes.

(c) No person can be appointed to the post of an Election Clerk or Election Kanungo unless he has passed the Matriculation Examination of a recognised University.

(d) No person shall be appointed to the post of a driver unless he has qualified a driving test to be conducted under the supervision of an Expert, and unless he be in possession of a driving license issued by competent authorities, and unless he has the knowledge and skill to remove minor defects in a vehicle.

6. Method of Recruitment.—All the posts in the Service shall be filled in by direct recruitment except the posts of Naib-Tehsildars, Election, and Senior Clerks, unless it is desired by the Chief Electoral Officer to fill up such posts by making promotions or transfers from other departments of the Administration in the interest of public service. The posts of Naib-Tehsildars (Election), Senior Clerks, shall be filled up, in the following manner:—

(i) *Naib-Tehsildars (Election).*—(a) 75 per cent from amongst the Senior Clerks, Election Clerks and Election Kanungos of the service on merit-cum-seniority basis.

(b) 25 per cent by direct recruitment, or by transfer from another departments of the Administration on merit.

(ii) *Senior Clerks.*—By promotion from amongst the Election Clerks of service on merit-cum-seniority basis.

7. Probation and Confirmation of Members of the Service.—(i) Members of

the service who are appointed against permanent vacancies shall, on appointment to any post in the service, remain on probation for a period of one year in the case of direct recruitment and on trial for a period of 6 months in the case of members recruited otherwise:

Provided that a person who is already confirmed in an identical or an equivalent scale of pay and is transferred for appointment in the service shall be placed on probation. Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completion of the probationary period prescribed, be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation is in the opinion of the appointing authority not satisfactory, the appointing authority may dispense with his services or revert him to his former post if he has been recruited otherwise than by direct appointment.

(iii) On the completion of the period of probation of any member, the appointing authority may confirm such member, in his appointment if there is a permanent vacancy, or if his work or conduct has in the opinion of the appointing authority not been satisfactory, may dispense with his services, or revert him to his former post, if he has been appointed otherwise than by direct appointment or may extend the period of probation and thereafter pass such orders on the expiry of the period as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extensions, shall not exceed three years.

8. *Reservation of vacancies for Scheduled Castes/Scheduled Tribes.*—25 per cent of the posts mentioned in the Appendix shall be filled in by making appointments/promotions from amongst persons belonging to the Scheduled Castes or Scheduled Tribes. In case, suitable candidates are not available, the posts shall be rendered open to all classes.

APPENDIX

ELECTION DEPARTMENT, HIMACHAL PRADESH CLASS III SERVICES

Name of Post	No. of Posts	Scale of Pay
1. Naib-Tehsildars Elections	6	Rs. 150-10-200/10-300
2. Senior Clerk	1	Rs. 80-5-120/8-200/10-220
3. Election Clerks	6	Rs. 60-4-80/5-120/5-175
4. Election Kanungos	16	Rs. 60-4-80/5-120/5-175 plus Rs. 10 special pay P.M.
5. Motor Car Driver	1	Rs. 60-5/2-75.

By order,

K. B. SRIVASTAVA,
Secretary.